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DECLARATION OF WILLIAM B. DAWSON

I, William B. Dawson, residing at 14825 64th Avenue North, Maple Grove, Minnesota, 55311, am Chief Operating Officer of Keystone Retaining Wall Systems, Inc., located at 4444 West 78th Street, in Bloomington, Minnesota, 55435. I am responsible for making decisions as to the filing of patent applications for my company.

An invention relating to retaining wall blocks was conceived at my company by two employees, Robert A. McDonald and Robert J. Race. We refer to this invention as the Compac Lite Block. This block is used to construct a retaining wall which is used in landscaping. It was decided to file a patent application on this invention. The subject matter of this application is not under secrecy order, nor, to my knowledge, is this invention subject to a secrecy order pursuant to 35 U.S.C. § 181.


It was determined that this invention would be used first in Australia. I conferred with my attorneys in Australia in reference to this invention and asked them to file an application in Australia. This request was made orally. I have not located any supporting documents that evidence my request to file in Australia. The application was filed on October 13, 1998 and given Australian Provisional Patent No. PP6472. The application was filed with the Gulf Cooperation Council (covering member states Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and The United Arab Emirates) on December 22, 1998 and was granted GCC Patent Application No. GCC/P/98/00053. It was my impression that filing in Australia was acceptable since the invention was to be used first in Australia, rather than in the United States.

After the application was filed in Australia, I contacted my attorneys in the U.S. and asked them to file a U.S. application claiming priority to the Australian application. At that time, my U.S. attorney advised me that a foreign filing license should have been obtained prior to filing in Australia. As soon as I was informed that this was the proper procedure, I instructed my U.S. attorney to obtain a retroactive foreign filing license.

The error in not obtaining a foreign filing license before filing the application in Australia was made without deceptive intent. I was acting without the knowledge that my actions were incorrect, and I acted promptly after being informed of the proper procedure to obtain a retroactive foreign filing license.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date 5-25-99

By 
William B. Dawson